

APPEAL NO. 111711  
FILED FEBRUARY 2, 2012

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 et seq. (1989 Act). A contested case hearing (CCH) was held on October 24, 2011, in [City], Texas, with [hearing officer] presiding a hearing officer. Regarding the sole issue before her, the hearing officer determined that the appellant/cross-respondent (claimant) was not entitled to supplemental income benefits (SIBs) for the second quarter, August 17 through November 15, 2011.

The claimant appealed, contending that her activities fell within the Texas Workforce Commission definition of work search activities. The respondent/cross-appellant (carrier), in a request for review, and response to the claimant's appeal, appealed the hearing officer's finding of fact that the claimant's unemployment was a direct result of her impairment from the compensable injury. The appeal file does not contain a response to the carrier's cross-appeal.

DECISION

Affirmed as reformed.

Section 410.203(b) was amended effective September 1, 2011, to allow the Appeals Panel to affirm the decision of a hearing officer as prescribed in Section 410.204(a)(1). Section 410.204(a) provides, in part, that the Appeals Panel may issue a written decision on an affirmed case as described in subsection (a-1). Subsection (a-1) provides that the Appeals Panel may only issue a written decision in a case in which the panel affirms the decision of a hearing officer if the case: (1) is a case of first impression; (2) involves a recent change in law; or (3) involves errors at the CCH that require correction but do not affect the outcome of the hearing. This case is a situation that requires correction but does not affect the outcome of the hearing.

The parties stipulated that the claimant sustained a compensable injury and had not commuted any portion of her impairment income benefits. The hearing officer then proposed a stipulation that the qualifying period preceding the second quarter of SIBs ran from May 5 through August 3, 2011. The claimant agreed, but the carrier's attorney explained that he did not want to stipulate to the date of the qualifying period because the carrier has continued to challenge the claimant's impairment rating (IR) and the issue of the IR is on appeal in district court. The hearing officer said that she would make a fact finding of the dates of the qualifying period and the carrier's attorney said "thank you." The hearing officer failed to make a finding of fact of the dates of the qualifying period and erroneously found that the parties had stipulated that the

qualifying period preceding the second quarter of SIBs ran from May 5 through August 3, 2011. There was no such stipulation.

The evidence establishes that the dates of the qualifying period for the second quarter of SIBs are May 5 through August 3, 2011, and we reform the hearing officer's findings of fact by striking Finding of Fact No. 1F that the parties stipulated the qualifying period for the second quarter of SIBs ran from May 5 through August 3, 2011, and add a finding of fact to state that the qualifying period for the second quarter of SIBs is May 5 through August 3, 2011.

Otherwise, the hearing officer's determination that the claimant is not entitled to SIBs for the second quarter, August 17 through November 15, 2011, is supported by sufficient evidence and is affirmed pursuant to Section 410.169. We likewise affirm the hearing officer's finding that the claimant's unemployment was a direct result of her impairment from the compensable injury as being supported by sufficient evidence.

The true corporate name of the insurance carrier is **NEW HAMPSHIRE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
211 EAST 7TH STREET, SUITE 620  
AUSTIN, TEXAS 78701-3232.**

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Cynthia A. Brown  
Appeals Judge

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Margaret L. Turner  
Appeals Judge